

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

IN THE MATTER OF:

) **Case No.: 3728**

LILLIAN D. PUMA, D.O.
Holder of License No. **2836**

) **CONSENT AGREEMENT FOR**
) **FINDINGS OF FACT, CONCLUSIONS**
) **OF LAW AND ORDER OF PROBATION**

For the practice of osteopathic medicine in the
State of Arizona

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Lillian D. Puma, D.O. (hereinafter "Respondent"), the parties, hereto agree to the following disposition to this matter.

1. Respondent acknowledges that she has read this Consent Agreement for Findings of Fact, Conclusions of Law and Order of Probation; and, Respondent is aware of and understands the content of these documents.

2. Respondent understands that by entering into this Consent Agreement for Findings of Fact, Conclusions of Law and Order of Probation, she voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the Consent Agreement for Findings of Fact, Conclusions of Law and Order of Probation in state or federal court.

3. Respondent understands that this Consent Agreement for Findings of Fact, Conclusions of Law and Order of Probation will not become effective unless approved by the Board and signed by its Executive Director.

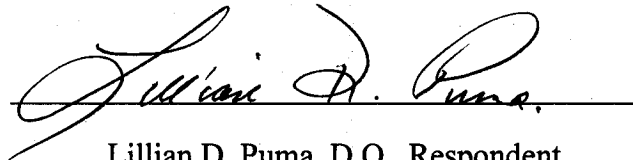
4. Respondent further understands that this Consent Agreement for Findings of Fact, Conclusions of Law and Order of Probation, once approved and signed, is a confidential investigative order and will not be publicly disseminated as a formal action of the board to the National Practitioner Databank or on the Board's website.

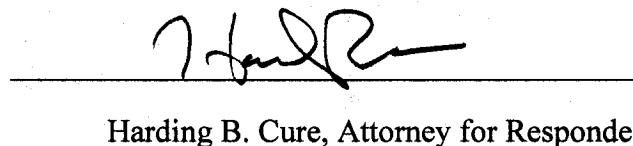
1 5. Respondent without admitting guilt acknowledges and accepts the imposition of
2 the Consent Agreement for Findings of Fact, Conclusions of Law and Order of Probation on her
3 record.

4 6. All admissions made by Respondent are solely for interim disposition of this
5 matter and, therefore, said admissions by Respondent are not intended for any other purpose or
6 administrative regulatory proceeding or litigation in another state or federal court.

7 7. Respondent acknowledges and agrees that upon signing and returning this
8 document (or a copy thereof) to the Board's Executive Director, she may not later revoke or
9 amend any part of the Consent Agreement and Order, without first obtaining Board approval.

10 REVIEWED AND ACCEPTED THIS 8 DAY OF Oct, 2007.

11
12 
13 Lillian D. Puma, D.O., Respondent

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15 
16 Harding B. Cure, Attorney for Respondent

17 **FINDINGS OF FACT**

18 1. In late May 2006 the Board staff received information from the United States
19 Drug Enforcement Administration that the office in which the Respondent was currently working
20 had displayed an irregular pattern in the volumes of Hydrocodone dispensed.

21 2. The Respondent had previously been disciplined by the
22 Board for improper prescribing of the medication Hydrocodone.

23 3. The respondent had previously been disciplined by the Board for improper use of
24 the medication Hydrocodone.

25 4. In addition, the respondent was still under an Order with DEA not to dispense
controlled substances.

5. The preliminary facts and investigation reveal that the Respondent had failed to comply with her DEA stipulation by dispensing controlled substances.

6. Also, the Respondent admitted that she was taking Hydrocodone, pursuant to her doctor's prescription, for which she had been treated for abuse in 1995.

CONCLUSIONS OF LAW

1. Pursuant to A.R.S. § 32-1800, et seq. the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. The conduct and circumstances, for which Respondent accepts for disciplinary purposes, described in paragraphs 1 through 6 above, if true, could or would, constitute unprofessional conduct as defined in the following paragraphs of A.R.S. § 32-1854:

(3) Practicing medicine while under the influence of alcohol, narcotic or hypnotic drugs or any substance that impairs or may impair the licensee's ability to safely and skillfully practice medicine.

(25) Violating a formal order, probation or a stipulation issued by the Board under this chapter.

(38) Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED AS FOLLOWS:

Pursuant to A.R.S. §§ 32-1855 (C), 41-1092.11 and 41-1064 (C), License No. 2836 held by Lillian D. Puma, D.O. ("Respondent") shall be placed on PROBATION for TWO (2) YEARS from the effective date of this order with the following terms and conditions of probation as set forth herein:

1. Respondent shall not practice medicine until such time as she successfully obtains, begins and continues the professional relationships expressed in the following paragraph numbers 2 and 3.

1 2. Respondent shall have all of her medications monitored by one physician and
2 quarterly reports regarding compliance/progress shall be provided by the physician to the Board
3 for two years.

4 3. Respondent agrees to undergo bi-weekly psychotherapy for at least one year (26
5 sessions total) with a Board approved PhD level provider that specializes in treating concurrent
6 behavioral health and substance abuse conditions. The focus should be on facilitating effective
7 coping skills and reducing relapse risk. The provider should provide the Board with monthly
8 progress/compliance reports.

9 4. Respondent shall participate in random drug testing for at least two years.

10 5. Respondent shall undergo an annual evaluation by an addiction medicine
11 specialist approved by the Board or Executive Director.

12 6. Applicant shall provide a copy of this Order and any subsequent Orders to all
13 facilities where Applicant is currently (or subsequently) employed as a physician and/or has (or
14 subsequently receives) privileges to engage in the practice of medicine. Applicant shall provide
15 a copy of this Order to all treating physicians, dentists and or health care professionals.
16 Applicant shall continue to make the aforementioned disclosure and provide copies of this
17 Consent Order until the expiration of this Order.

18 7. Applicant may have her license to practice as an osteopathic physician restricted,
19 suspended or revoked by the Board in the future if:

20 (a) The Board finds that Applicant does not have the requisite mental, physical and
21 emotional fitness to safely continue the practice of medicine; or,

22 (b) There are new grounds for finding unprofessional conduct concerning
23 Applicant; or,

24 (c) Fails to comply fully with the terms and conditions of this Order.

25 8. Applicant shall not consume illicit drugs or take any controlled substances (i.e.,
prescription only drugs); unless her treating physician prescribes such medication for her with

1 the awareness that Applicant has a substance abuse disorder. Applicant shall maintain a monthly
2 log (for the duration of probation) of all prescription only drugs taken by her and such log shall
3 include the following information:

- 4 (a) the name of the medication;
- 5 (b) name of prescribing physician;
- 6 (c) reason for the medication.

7 9. At the first of each month, Applicant shall report by letter to the Board whether or
8 not she is taking any medications and, if so, a copy of his log reflecting the above information.

9 10. Applicant shall also, as part of his probation: (A) submit to and cooperate in any
10 independent medical or psychological evaluation that is ordered by the Board for Applicant and
11 conducted by the Board's designated physician and/or psychologist which shall be paid for by
12 Applicant; and (B) appear before the Board, upon receipt of a request by written or telephonic
13 notification from the Board's executive director which shall be given at least five (5) days prior
14 to the Board meeting; and, (C) submit to random biological fluid testing and promptly provide
15 (i.e., within sixty (60) minutes of notification) required biological fluids for testing and said
16 testing shall be done at the Applicant's expense.

17 11. In the event Applicant moves and ceases to practice medicine in Arizona, she
18 shall give written notice to the Board of his new residence address within twenty (20) days of
19 moving; and, the terms and duration of probation may be stayed by the Board until Applicant
20 returns to practice medicine in Arizona.

21 12. Applicant shall reimburse the Board for all expenses associated with the
22 continued monitoring of this matter.

23 13. Applicant shall continue to meet all licensing requirements such as continuing
24 medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-
25 1825.

1 14. Applicant's failure to comply with the requirements of this Order shall constitute
2 unprofessional conduct as defined at A.R.S. § 32-1854 (26), as amended, and may be considered
3 as grounds for further disciplinary action (e.g., suspension or revocation of license) in the event
4 that Applicant fails to comply with any of the requirements of this Order.



6 ISSUED THIS 12th DAY OF OCTOBER, 2007.

7 STATE OF ARIZONA
8 BOARD OF OSTEOPATHIC EXAMINERS IN
9 MEDICINE AND SURGERY

10 By: _____
11 Jack Confer, Executive Director

12
13 Original "Consent Agreement for Findings
14 of Fact, Conclusions of Law and Order of Probation"
15 filed this 12th day of OCTOBER, 2007 with the:

16 Arizona Board of Osteopathic Examiners
17 In Medicine and Surgery
18 9535 East Doubletree Ranch Road
19 Scottsdale AZ 85258-5539

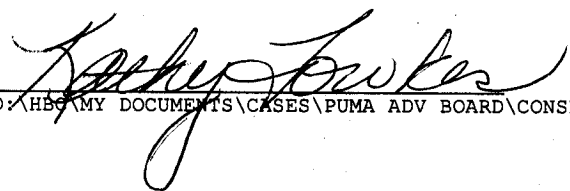
20 Copy of the foregoing "Consent Agreement for Findings
21 of Fact, Conclusions of Law and Order of Probation"
22 sent via certified, return receipt requested this 12th
23 day of OCTOBER, 2007 to:

24 Lillian D. Puma, D.O.
25 6349 East Joan De Arc
 Scottsdale, AZ 85254

 Copies of the foregoing "Consent Agreement for Findings
 of Fact, Conclusions of Law and Order of Probation"
 sent via regular mail this _____ day of _____, 2007 to:

1 Harding B. Cure, Esq.
2 THE CAVANAGH LAW FIRM
3 1850 N. Central Avenue, Suite 2400
4 Phoenix, Arizona 85004
5 Attorney for Respondent

6 Blair Driggs, AAG
7 Office of the Attorney General CIV/LES
8 1275 West Washington
9 Phoenix AZ 85007

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